

Applicant's Name: I, Tim Wilkinson, do hereby petition the City of Durham/County of Durham for a Special Use Permit to allow the following:

Relevant Sections of the Unified Development Ordinance:

Note: Before any Special Use Permit shall be granted, the Board of Adjustment must find that satisfactory evidence has been provided for the following. Your application, attached documents and testimony at the hearing must provide sufficient evidence for the Board of Adjustment to determine that these general findings and review factors have been adequately and appropriately addressed.

Please respond to the following in the space provided, or with an attachment.

Section 3.9.8: of the UDO: Criteria for Approval of Major and Minor Special Use Permits

A. General Findings

Applications for minor or major special use permits shall be approved only if the Board of Adjustment or Governing Body as applicable finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;

Applicant's Response: The planned use of this application is for a recycling and processing center that is to be located in an industrial zoned area of the City. The planned use for the site is in harmony with the area; currently adjoining the site is a railroad track, and a waste facility run by Waste Management. Other properties in the vicinity include warehouse, storage and manufacturing. Residential properties exist to the north and vacant residential zoned properties are located to the south.

Landscape buffers are located around the site to limit views into the outdoor storage area and a screening buffer of 50 feet is provided between the residential area to the north and the subject site.

2. In conformance with all special requirements applicable to the use;

Applicant's Response: The building and site will be in compliance with all local and state laws, meets the requirements of the UDO, and provides additional safety measures to protect the site from vandalism, crime or spills. The project site is enclosed with a security fence, the site is monitored 24/7 with security cameras and also alarm systems.

The loading and product transfer areas are designed to capture any materials spilled and transport them to the processing area for recycling.

3. Will not adversely affect the health or safety of the public; and

Applicant's Response: The proposed development will not affect the Health or Safety of the public, the project will not be accessible by the general public and will be surrounded by an enclosed fence. The recycle and manufacturing of byproducts is performed indoors, with the proper ventilation and code requirements per OSHA and EPA. All outdoor materials are located in containment areas that are capable of handling any spills or leakage.

Products stored, recycled and by-products created are all listed as non-hazardous materials and do not require any special monitoring or labeling per North Carolina EPA.

The site will also be monitored on a 24/7 basis via cameras and alarms. The project will provide employee and visitor parking located outside of the controlled access area and is accessible in a safe and healthy manner.

4. Will adequately address the review factors identified below.

Applicant's Response: See responses below for each individual review factor

B. Review Factors

The applicant shall demonstrate that the review factors listed below have been adequately addressed.

1. Circulation Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, bicycle, mass transit and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Applicant's Response: The location of the Clean Green Headquarters will be accessible from one driveway to be located on Stone Park Court. This access point and a fire lane located adjacent to the building provide access to the structure in case of fire or other emergency. Additional access to the site and building is available along the property boundaries for fire or emergency access.

A sidewalk will be provided from Stone Park Court, to the building entrance, for pedestrian circulation.

Mass Transit does serve the immediate area, with the closest bus line is along Angier Avenue, Bus route 2. Bicycle parking will be provided on site.

2. Parking and Loading Location of off-street parking and loading areas.

Applicant's Response: The off-street parking and loading zone areas have been designated to allow for safe vehicular and pedestrian circulation. The project parking area is accessible from the public street to the building main entrance. Pedestrian circulation does not cross any access drives or loading areas.

The loading zone is located inside the limited access area and provides safe circulation for all vehicular traffic and does not affect pedestrian or site parking.

3. Service Entrances and Areas Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

Applicant's Response: The location of the refuse and service areas are located inside the fenced area of the site and do not affect the circulation of public streets. The refuse location is located near the proposed building and provides adequate areas for a waste management vehicle to service the site and reenter the public street with minimal long distance of travel.

The service loading area is also located in the interior portion of the property and does not interfere with the circulation of traffic on the public street.

4. Lighting Locations of exterior lighting with reference to glare, traffic safety, economic effect and compatibility with other property in the area.

Applicant's Response: All exterior lighting meets the requirements of the UDO and will be shielded from all adjoining properties and the adjoining ROW. Lighting for the site includes light fixtures in the parking area, vehicle storage area, building perimeter, and pedestrian access and meet or exceeds the minimum standards as set in UDO.

5. Signs Appropriateness of signs considering location, color, height, size, and design within the context of other property in the area.

Applicant's Response: The project will contain one sign located on Stone Park Court. This sign will meet the standards of the Durham Sign Ordinance in regards to size, height and landscape. The sign will be compliance with the context of the surrounding area.

6. Utilities Location and availability of utilities.

Applicant's Response: The proposed building will connect to existing utilities on Stone Park Court; this includes the existing water and sewer mains. The sewer line contains a connection point at the ROW line adjoining this property. Water service can be accessed at the ROW line.. No additional public services will need to be provided to the site. Water and Sanitary sewer service can be accessed with out interruption of the public road.

7. Open Spaces Location of required yards and other open spaces and preservation of existing trees and other natural features.

Applicant's Response: The plan meets all side/street yard requirements and setbacks. The project meets the open space requirements for commercial development. The project boundaries are proposed for 25 foot and 50 foot natural landscape buffers to preserve open space.

8. Environmental Protection Preservation of tree cover, Durham Inventory Sites, floodplain, stream buffers, wetlands, steep slopes, open space and other natural features, and protection of water quality.

Applicant's Response: The project meets the open space requirements for commercial development, and is proposed to preserve the buffer plantings with the designation of a 25 natural landscape buffer. The site contains no floodplains, stream buffers, wetlands, steep slopes or other natural or Inventory features that affect water quality or development of the site.

A cistern in combination with a detention pond has been designed into the project for compliance with the Neuse and Cape Fear River Basin Nutrient Regulations.

9. Screening, Buffering and Landscaping Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property.

Applicant's Response: The project meets all requirements for screening, buffering, fencing and landscaping. The trash area is screened from public view with fencing and landscaping. The outdoor storage area is screened from public view with proposed landscape material. The site includes landscape buffers of a minimum of 25 feet and a 50 foot natural buffer along the northern boundary adjoining a residentially zoned area.

10. Effect on Adjacent Property Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic.

Applicant's Response: The proposed use will not affect adjoining properties in relationship to noise, odor, lighting or traffic. The project site is bounded by a railroad ROW to the east, an industrial developed property to the west, undeveloped property to the south, and a residential property to the north. The project proposes a 50 foot landscape buffer adjacent to the residential uses, and the building is located over 300 feet from the residential zoned property. The processing of all by-products will occur inside the building, and all lighting is designed to not cross property lines. Traffic is minimal for this project with company trucks leaving the site each morning and not returning until the end of each day to unload collected materials.

The Clean Green Operation does not encourage "self drop off" to the general public or their client base. Their clients are serviced by company trucks that pick up waste materials at the clients operations and return the waste materials to this site for processing.

11. Compatibility The level of general compatibility with nearby properties and impacted neighborhoods, including but not limited to the appropriateness of the scale, design, and use in relationship to other properties.

Applicant's Response: The proposed use is compatible with the nearby properties and is a permitted use in a Industrial Zoned area. The building size and outdoor storage area will only disturb 48% of the site; a maximum of 70% of the site can contain impervious area. The remaining areas of the site will remain in tree coverage or open space. The building is consistent with the surrounding area in relationship to size and will be located 80 feet from the public ROW.

Outdoor vehicle storage areas will be located behind fencing and landscape material to not be visible from the public view.

12. Consistency with Policy Consistency with the Comprehensive Plan and applicable development tier guidelines, overlay purposes, and zoning district intent statements in Article 4, Zoning Districts.

Applicant's Response: The proposed project meets with the Comprehensive plan, the current development guidelines and zoning district as outlined in Article 4: Zoning Districts.

13. Other Factors

Any other review factors which the approving authority considers to be appropriate to the property in question.

NOTE: Please address the requirements of any applicable "Limited Use Standards" or other special requirements of the use as an attachment of the application.

OTHER FACTORS for permitting Use of this facility

The facility will operate for non-hazardous materials that are collected in bulk from the Triangle vendors, and adapted for re-use. Items collected include:

- Used glycol – Is recycled using a reverse osmosis process and then resold to numerous vendors
- Automotive oil filters- residual oil is drained then the filters are crushed and sold as scrap metal to a steel foundry
- Used Automotive motor oil – collected from filters and sold as a fuel product
- Used vegetable oils – processed and sold as biofuels to dealers
- No hazardous materials are collected or processed as defined by the state and Federal EPA.

All material is collected, recycled and resold with a turn over period that does not exceed 5 days. The maximum amount of fluid collected is 10,500 gallons that has a containment area capable of holding 74,800 gallons at one time. This exceeds the EPA requirement of 1.5 times of holding area for liquid stored.

Maximum amount of waste materials contained are:

- Motor Oil 5,000 gal
- Vegetable Oil 2,000 gal
- Antifreeze 3,000 gal
- Bio diesel 500 gal (processed from waste material)

Maximum amount of waste materials located inside the building

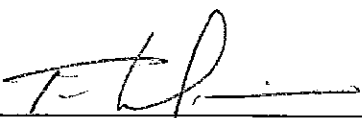
- Antifreeze 1,000 gal in processing system
- Motor Oil 200 gal in processing system
- Vegetable Oil 300 gal in processing system
- Bio diesel 100 in holding tank after being processed

FOR ALL APPLICATIONS, PLEASE READ AND SIGN BELOW

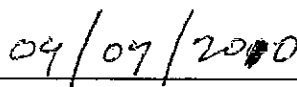
In granting a Minor or Major Special Use Permit conditions may be placed to assure that adequate mitigation measures are associated with the use. The conditions shall become part of the special use permit approval. Violations of any of the conditions shall be treated in treated the same manner as other violations of the Ordinance.

Furthermore, Minor Special Use Permits shall become null and void in any of the following cases (Section 3.9.13 of the UDO):

- A. If a site plan is not approved within 12 months of the date of permit approval.
- B. If an approved site plan or building permit expires.
- C. If a building permit is not issued within two years of the date of approval, in cases where a site plan is not required.
- D. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs. The addition of language to the special use permit regarding such voiding shall not be required.



Applicant Signature



Date

Revised April 2010